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tinue themselves kings, princes, nobles, privileged classes, — everything became good, everything just; all was legitimate. They organized for the necessities of the struggle, and spread abroad in the world, a kind of moral ambushade against freedom, which Ferdinand put in action at Palermo, Antonelli at Rome, Schwartzenberg at Milan and at Pesth, and, still later, the men of December, those wolves of the state, at Paris."

ART. III. — *The Lives and Times of the Chief Justices of the Supreme Court of the United States.* By HENRY FLANDERS. *First Series: John Jay, John Rutledge.* Philadelphia: Lipincott, Grambo, & Co. 1855. 8vo. pp. 645.

It is to Roger North, in his *Lives* of his illustrious brethren, that we are indebted for one of the most discriminating and satisfactory elucidations existing in our language, of the plan upon which the biography of a great man should be built. He very justly compares the biographer's labors to those of a portrait-painter, whose works would be held as naught, were he to omit presenting upon his canvas the blemishes as well as the beauties of his subject, and who is held by the rules of his art to a strict accountability in transferring the living features of his original to a mute immortality. True it is, that a Vandyke or a Sir Joshua may excel in that delicate flattery, and that rare aptitude of conception and of touch, which unite to invest a form with the attributes of a hero of romance, or the airy lightness and grace of a being of another sphere; but this, so far from militating against our proposition, is but confirmatory of it. With all their power, these great artists have never dared to lose sight of the primary object. To make a pleasing picture was not more their aim than to make a good likeness. Every one who recollects — and who does not? — that superb passage in which Scott renders from the involuntary lips of Cromwell an extorted tribute to the Flemish brush that painted Charles the First, will comprehend our meaning. And it is to a like eminence of art that the biographer should bend his aspirations; nor

neglect, for the pretence of an unnatural pre-eminence above his fellows, to give us those real traits of character which constitute the distinguishing marks of the man. "If the history of a life," says honest Roger, "hangs altogether upon great importances, such as concern the church and state, and drops the peculiar economy and private conduct of the person that gives title to the work, it may be a history, and a very good one, but of anything rather than that person's life."

Never were words spoken more apposite than these, and never has a rule been more generally disregarded. It appears to have become a cardinal principle with almost every biographer, to consider his hero less as a human being than as an ill-used demigod, whom the jealousy or blindness of his time had cheated of his due honors. In the execution of his task; the writer seems to clothe himself with the properties of an avenging Nemesis, resolute to compel the recognition of those merits to which mankind has hitherto been insensible. To the truly great there is nothing more degrading than this enforced association with that which is ignoble; that which, in itself mean, shows more meanly than ever in comparison with the giants by whom it stands. "Pigmies are pigmies still, though perched on Alps"; and though it often happens that the identical means by which the impostor is brought into notice become at once the monument of his downfall, — though he soar like Icarus, only to be whirled

"From high,
To grinning Scorn a sacrifice,
And bitter Infamy," —

yet it is not the less a wrong done to those who have earned our veneration, to permit the sanctuary of their fame to be polluted by such a "midnight crew."

There is, however, a certain class of pretenders to greatness, who claim, and to whom we willingly concede, a disgusting precedence; who, by their mischievous example, may have already accomplished much harm to public morals and to public taste. Were it merely to strip empty folly of its tinsel, we would hardly turn aside. It struts its brief hour in the sun, and ere night is forgotten. We never heard that any one was seriously oppressed by the glory, living or posthu-

mous, of Timothy Dexter, or "the great Twalmley, the inventor of the celebrated smoothing-iron." But when, with Folly, Vice strives for superiority in the breast of him who holds up his own picture for our admiration, it is high time, we think, to enter a protest. The land has been plagued with autobiographies, where characters conspicuous neither for public merit nor for private worth are with venal eagerness obtruded upon the public attention. Deeds which a person of any sensibility should blush to have committed are unhesitatingly brought forward by their perpetrator to give a zest to his pages, a point to his tale. That, in the pursuit of gain, a man should incur the risk of being sent to gaol or to Coventry, is, unhappily, no solecism in human nature; but that he should, for the sake of a further pittance, proclaim his own infamy, argues a strange degree of moral abasement. Such a man is the true Yahoo of the race.

Nor is it always the lot even of a man really worthy of high praise to meet his just deserts. He is as often injured as benefited by the unjust system of indiscriminate eulogy to which we have already alluded. His success is often attributed to those opposing qualities, distorted in representation to the semblance of virtues, in whose very despite he succeeded. To find a chronicler who, with a full sense of the merits of that career which forms the burden of his strain, is not blind to its blemishes,—who beneath the Julian laurel perceives the baldness of the naked skull,—is not the fortune of all the heroes who have flourished since the days of Agamemnon. It is a gratification as rare as welcome to find that faculty so well displayed in the volume before us, where are brought together two characters alike eminent for public services, yet differing *toto cælo* upon many questions of public duty and policy.

The historian of the Chief Justices of the United States has undertaken one of the noblest tasks ever afforded to the pen of man. To no page of our national career can the mind recur with such unalloyed satisfaction. The annals of no other land offer a more noble succession of professional ability, mental vigor, and unblemished integrity, in the first law-officers of the realm. The light of a Marshall will hardly pale

even beside that of a Hardwicke or a Mansfield ; but however rigidly we may search, no Macclesfield can be found upon the scroll ;—from first to last, the ermine has been kept pure and unsullied. Of human frailties, our sages have doubtless had their share, for they were human ; but not a breath has ever impeached the integrity of their public lives. With equal hand, and with unsparing diligence, they have continued since the foundation of the empire to measure out justice alike to rich and to poor. The proscribed Tory, contending with the embodied wrath of a powerful state, found there a tribunal which neither the fear of a people, nor its favor, could induce to swerve a tittle from the direct line. The fallen statesman, on whose head were opened all the vials of private jealousy and of public hate, there found an arbiter whose firm mind no elemental convulsion nor popular strife could disturb. Elevated by the dignity of their office, and the respectability of their characters, far above the noisy bustle of the crowd, they shine, as it were, in a firmament all their own ; where

“No mist obscures, nor cloud, nor speck, nor stain
Breaks the serene of heaven.”

We should be sorry to have it inferred, from anything that has hitherto dropped from us, that there was aught in the character of JOHN JAY of which even the most virtuous of statesmen need have been ashamed. His death-bed was in strict keeping with his whole life, the crowning triumph, as it were, of a long career of dutiful and pious deeds. But it is so much the fashion now-a-days to make every Revolutionary patriot perform actions and imagine sentiments which were, in point of fact, utterly foreign to his hand and head,—to portray the genius of American Independence springing, Minerva-like, into full being from his brain, and radiant in celestial armor,—that in sober truth one is almost disappointed in opening a volume which presents to us, in calm, steady colors, the faithful picture of that gradual and slow operation of causes which, during the decade immediately preceding the Revolution, was training the hearts of men to exchange a loyal devotion to the mother country for indignation and anger, tempered for a while by the hope of a speedy

accommodation, and subsequently to abandon this ground for that of undisguised and overt hostility. If biography be really history teaching by example, all will concede that it is useless unless true; else the wanderings of Sinbad the Sailor, or of Captain Lemuel Gulliver, would be as serviceable to the voyager as those of Scoresby or of Ross. To paint man such as he really is not, is the province of romance; the description may be entertaining, but perhaps not instructive. To be enlightened by the genius, to be warned by the example, of those who have gone before, to learn to shun the dangerous rocks and sunken shoals on which they have split, or to be fired to emulate their glorious hardihood in moments of perilous confusion, should be our more serious instigation to the study of their lives. And nowhere will the reader find a more valuable lesson than in that of John Jay.

The history of this eminent statesman has already been well told by his son, and very ill by others whom it is not necessary now to mention. Mr. Flanders, therefore, would seem to have had little else to do than to travel upon a beaten path. Fortunately for himself and the public, however, new lights have of late years been shed upon some of the most important scenes of Jay's career, and that which his son could only hint is now susceptible of proof positive. Otherwise we should hardly venture to dwell very long on a subject that cannot be new to a majority of our readers.

On the 12th of December, 1745, in the village, as it might then almost have been styled, of New York, was born John Jay. For conscience' sake and the love of God's word, his ancestors had alienated themselves from their native shores, whither fortune and friends, their children's cradles and their mothers' graves, in vain lured their return. And their virtue brought its own reward; for it is not in the chain of probability that on any other soil than this such long generations of domestic happiness, brightened, in time, by such illustrious fame, should have been their lot.

The youthful life of Jay was sober, discreet, and pious. If not distinguished in early years by precocious ability, he at least secured the more solid advantages of a healthy and vigorous frame. With an industry restrained only by a rare

judgment, he passed through his collegiate career, honored with the amplest triumphs of that little world; and with a like perseverance and success he applied himself to the study of the law. The delving toils of the student of those days are well described by our author; when as yet Blackstone and Kent were not, and the paths to professional learning were anything but smooth. Bracton and Fleta, Coke on Littleton and the Year-Books, still lay, mighty stumbling-blocks, across his path, daunting the courage and confusing the brain of the bewildered novice; and hence the tedious probation ere an apprentice arrived at the full dignities of the long robe. With all his application and ability, Jay was four years at the desk before he was admitted to the bar.

It was not until 1774 that Mr. Jay became at all involved in public life; and interesting as is the sketch of New York politics of that period which Mr. Flanders presents to us, we cannot pause to do more than refer the historical student to it as a passage of remarkable accuracy and value. In its examination, he will perceive how Jay, at first counselling conciliation, advanced step by step to a position of firm resistance to the extravagances of the ministry. It has been ignorantly asserted, that he was from the outset the advocate and friend of independence. So far from this being the case, he was at that period, in common with a majority of his Whig fellow-citizens, opposed to even a non-importation or non-consumption agreement, unless the sentiment of the whole continent should imperatively demand such measures. He evidently reprobated the violence of the Boston mobs, and deemed the victims of their excesses amply entitled to have their losses redressed by those who had tacitly permitted them. But at the same time he was clear on the great questions at issue between Great Britain and America. As a delegate to the Congress which met at Carpenter's Hall in Philadelphia on the 5th of September, 1774, his conduct was in strict accordance with these views. On the floor, however, were assembled Whigs of every complexion, from him who burned for independence, to him who looked to nothing beyond a restoration on a firmer basis than ever of the reciprocal ties that bound the two countries. Of this last class was

the once celebrated Joseph Galloway. His plan of adjustment, indorsed by his own Province, and in turn so popular as to be lost in Congress by but a single vote, and so odious as to be expunged from its records by a subsequent vote of that same body, met now with the warm approval of Mr. Jay, and the no less fervent hatred of Patrick Henry. The views of the latter triumphed, and Galloway's plan has since, with scanty justice, shared the ignominy of its author.

It was during this session that Jay first attracted the admiration of the whole nation by his Address to the People of Great Britain. Re-elected to the Congress of 1775, we still find him, in opposition to the ultra Whigs, urging on to adoption the Petition to the King, and thus incurring the severe reprobation of such men as John Adams, who not without cause apprehended the ill effects of that measure. But this was his last effort for conciliation; and on its failure, he hoped nothing more for his country from the justice or the mercy of England. On the passage of the Declaration of Independence, he was laboring in the immediate service of his native State, and his name therefore does not appear on that sacred scroll; but it found no warmer supporter than in him. As a leading member of the Council of Safety, as Chief Justice of New York, as President of the Congress, his services were not less conscientiously rendered than gratefully appreciated by his country. When, in September, 1779, he was appointed Minister to Spain, he undertook a duty which he well knew would prove the source of prolonged discomfort to himself, though possibly of material benefit to America. He left Congress, too, with the unpleasant consciousness of having failed in the accomplishment of "the special occasion" of his election. The government of New York had anticipated from his efforts the settlement, in some satisfactory way, of the Vermont controversy. This he could not bring about; and the Green Mountain Boys rejoiced in their triumph. As a very remote result we may remark that, had Mr. Jay succeeded, and Vermont remained an integral part of New York, one probable consequence would have been the election of Mr. Clay to the Presidency in 1844.

With Mr. Jay embarked a man who once "possessed the

affections of our whole people," to whom his name is now almost unknown. The portrait at full length of M. Gérard, Minister to the Congress from his Most Christian Majesty, was once the ornament of what might have been called the capital of America; a few months since, it was with difficulty that a purchaser could be found for it at any price. So much for the stability of popular favor, ever in extremes. Yet it was to a difficulty with this gentleman that Jay owed that deep-seated prejudice against his nation which was afterwards so plainly developed. Arrived at his destination, the new envoy was plunged at once into all the intrigues and embarrassments that his position engendered. It would be amusing to follow his career, from the arrival of those *bêtes noires* of Miss Burney, Cumberland the dramatist and his two daughters, who annoyed Jay as bitterly as they had the authoress of Cecilia, to his removal to Paris as a negotiator for peace. But our space compels us to be brief. A single point further, however, demands our attention.

The American Commissioners, every one knows, were instructed to keep the French ministry *au courant* of everything they should do. Utterly distrustful of the sincerity of that court, Mr. Jay very much disregarded these instructions, and, with Adams prevailing over Franklin, negotiated a separate peace. In France, and particularly in America, this course was severely censured. Jay had nothing but his suspicions to justify him, and these, pointing directly to an anxiety on the part of the French that the Americans should be deprived of the fisheries and the navigation of the Mississippi, have hitherto remained unsustained by proof. We have now, for the first time, Mr. Jay's complete justification. In 1838, Lord St. Helen's, who as Mr. Fitzherbert had represented the Court of St. James at Paris pending the negotiation, disclosed the nature of the propositions made to him by M. de Vergennes. We believe they have not before been made public. "They related," he says, "entirely to a certain enlargement of the limits of the French fisheries, as defined by former treaties. But in the course of these discussions, M. de Vergennes never failed to insist on the expediency of a concert of measures between France and England, for the purpose of excluding the Ameri-

can States from these fisheries, *lest they should become a nursery for seamen.*"

Returning to New York in 1784, after an absence of eight years, Mr. Jay was again summoned to the service of the State. When the present Constitution was submitted to the people, he was one of the famous triad who, through the aid of the press, chiefly brought about its adoption; and under its operation, he became, on the 26th of September, 1789, the first Chief Justice of the United States. Weighty as were some of the cases that came before him, this is not the place to dwell upon them in a professional view. His decision, in *Chisholm vs. Georgia*, that a State is suable by a citizen of another State, had the effect of producing an amendment to the Constitution. In *Henfield's* case, the leading doctrine of his opinion seems now to be generally abandoned as unsound. In that of *Georgia vs. Brailsford*, he held views with regard to the powers of a jury with which we do not believe that the profession has ever precisely coincided. But in all his judicial career, he manifested, says Mr. Flanders, "a judicial faculty, a power of analysis, an aptitude for logical processes, and a ready apprehension of principles." The poverty of the Reports of the period has failed to do justice to many of the luminaries of the ancient bar.

Of Jay's embassy to England in 1794, and its results, of his election as Governor of New York in 1795, and of his withdrawal to private life in 1801, the reader will find much in these pages to interest, much to instruct him. On the 17th of May, 1829, his long and eventful career was brought to a peaceful close. Those religious principles which had strengthened his hands through life, now smoothed his dying pillow and supported his parting soul. It has been objected to them that they were narrow and fanatical. His proposal that no Roman Catholic, who held that the Pope or his priesthood had power to annul oaths or even to grant absolution from sin, should be admitted to civil rights, was certainly not conceived in that spirit of modern liberality which grants the same toleration to Methodist and Mormon, to Jews and Jumpers, Episcopalians and Thugs. The wide benevolence of Jay's life will best answer these critics. In this feature

there is a strong resemblance between his character and that of the poet Cowper, while in statesmanlike notions of just liberty he may well be compared to the predecessor of Cowper's kinsman, the great Lord Somers. Mr. Flanders thus happily sums up his character:—

“Mr. Jay's character is disclosed in the record of his life. His moral and intellectual qualities were in harmony. His public principle commanded the respect of the world. His private virtues attracted the affection and homage of his friends. He was modest, claimed no merit, assumed no importance, and seldom alluded to the great events of his life. He was charitable, not impulsively bestowing his means without discrimination, like Goldsmith's village preacher, whose ‘pity gave ere charity began,’ but with a judicious selection, and from a sense of duty. His economy was exact, but liberal. ‘A wise man,’ he said, ‘has money in his head, but not in his heart.’ The recipients of his bounty were numerous. He had an elevated sense of justice, and the claims of humanity. His religion was a part of his being, and displayed itself in the uniform tenor of his life. He acted under the habitual conviction of accountability. ‘All his serious thoughts had rest in heaven.’ His feelings were always under the control of his will, and hence he was never guilty of those extravagances of conduct which too often mar the career of genius. He was tenacious in his friendships, and equally so, we suspect, in his enmities. ‘Having once had good cause to doubt a man's sincerity or integrity, he never after trusted him.’ His disposition was cheerful,—his conversation equally instructive and entertaining.

“The intellectual endowments of Jay are easily described. His mind was vigorous, exact, logical. To genius he could make no pretensions. Judgment, discriminative, penetrating, was the characteristic of his understanding. If over the other faculties of his intellect imagination had presided, the compass of his thought would have been enlarged, and grace and flexibility been imparted to his mind. Jay was not a variously learned man. Modern genius did not delight him. Of the ancients, Cicero was his favorite. The Bible was his constant study. Observing steadily throughout his life the great principles of justice and rectitude, he ‘ascended to the temple of honor through the temple of virtue.’”

We now advance to the contemplation of a character cast in a very different mould. A good biography of JOHN RUTLEDGE has long been a desideratum in our literature, the

sketches in existence with which we are acquainted being inexact and meagre. This want is now amply supplied. Born at Charleston, in September, 1739, the future dictator was early left an orphan. His mother, in whom appear to have been beautifully combined all those qualities which constitute the glory of her sex, supplied to him, with tender care, the place of father, fortune, and friends; and at the age of seventeen he commenced the study of the law. Two years later, he was sent to London, and entered in the Temple, where he remained three years, exciting, by his abilities as a student, expectations which nothing less than his future success could have justified. Returning to Charleston in 1761, he was retained in a cause ere his foot had pressed the shore. It was a case of breach of promise of marriage; then, as now, not a very hopeful cause for the defendant. But he gained it, and with it an instantaneous position at the bar, which warranted him in regarding his virgin fee of a hundred guineas as but the first drops of the golden shower about to break upon his head. Though but twenty-two years of age, he was fortified with the results of five years of uninterrupted application upon a mind of no common order, backed by an eloquence so energetic as often to be literally commanding. Instead of undergoing long years of drudgery, he stood at once at the head of his profession. In 1764, he was appointed Attorney-General. Previously to this, however, and not regarding the old legal prescription, that "Mistress Common-Law should lye alone," he gave his hand and name, and with them all the threads of his existence, to a lady of his own city. When a man like Rutledge loves, it is with a fervor and intensity of which ordinary minds can form but a slight conception. The blow which, after long and happy years, bereaved him of his faithful partner, was one that neither his mind nor his body could resist. Shattered alike, the one rapidly followed the other to darkness and extinction.

As may be supposed, the qualities which had procured Rutledge's success at the bar proved equally efficacious in the Assembly, and from his first advent on the stage of politics his influence was marked and decided. In resisting the encroachments of the Governor and the ministry, his voice

was ever the foremost, and it was mainly through him and through Christopher Gadsden that the Province was induced to acquiesce in James Otis's Massachusetts circular, and to send delegates to the Stamp Act Congress of 1765. Of these delegates, Rutledge was one. Though the youngest member of that body, none occupied a more conspicuous place in its proceedings; and there, for the first and last time, was he fated to encounter the only Northern man of his period who at all resembled him,—James Otis. The position which Rutledge on this occasion took and maintained justly brought upon him a full share of the hopeful admiration of his countrymen, and when, in 1774, delegates were again to be chosen to a Continental Congress, he was once more selected for the post.

The first impressions made by Rutledge, at this period, upon the minds of some of his New England associates, were probably not very favorable. John Adams characterizes his conduct as indicative of "reserve, design, and cunning." But Rutledge did not as yet share in the fiery politics of the great Massachusetts statesman. His Colony had suffered little or no sensible oppression. He had no notion of rushing blindfolded into open rebellion. Besides, there was a hauteur, a social arrogance in his manners, that probably was not very agreeable on all occasions to strangers. When the agreement for non-exportation and kindred measures came up in Congress, Rutledge would not consent to it until a clause was inserted giving a solitary and unjust immunity to the staple of his own Province. Gadsden in the House, and the people of Carolina out of it, viewed this odious distinction with repugnance; and indeed the arguments by which its advocates sought to justify it were unsound. The Provincial Congress, however, of which he was a member, yielded to his eloquence, and did not hesitate to re-elect him. In the Congress of 1775, we still find him advocating the same conciliatory measures which had already drawn upon him the censure of New England men. In Massachusetts, where matters had reached their crisis, there is no doubt that men's minds were ripe for independence; but it was hardly just to blame distant Colonies, whose interests were not touched, whose passions and

pride had not been violently wounded, and who were at best but contending for a naked principle, should they evince a disinclination to premature insurrection. Massachusetts was the *principium et fons* of the war; her sons were united, and almost unanimous; they had gone too far to recede, even if they wanted to. In some of the Southern Colonies the case, as we have observed, was widely different, and their representatives merit honor rather than reproach for their conduct at this juncture. They had no right to bring ruin and disgrace upon their constituents to gratify the zealous fury of strangers.

As the tide of aggression rolled up, however, Rutledge was ever found equal to the opposition. Wherever an American right was touched, he was always prompt to advocate its instant redress. He joined with energy in recommending to the people of the various Colonies to take the respective governments into their own hands, and bore an active part in framing and carrying into execution such a scheme in his native Province. In March, 1776, the new constitution was adopted, and Rutledge was chosen President of South Carolina. In this capacity, an ample field for the exercise of his vast abilities was afforded. The triumphant defence of Charleston against Sir Henry Clinton's army and fleet remains a glorious attestation to his courage and his wisdom. But in March, 1778, two years after its adoption, the new constitution received a number of violent legislative stabs, and a substitute for it was presented to him by the Assembly. After vetoing the measure, Rutledge resigned his office. His successor, Arthur Middleton, was not more compliant, and it was not until Mr. Lowndes was elected that the bill was formally enacted into a law. But Carolina was not long destined to lose the services of her most eminent citizen. The invasion of Georgia, in 1778-9, was an emergency that called for the utmost exertion, and, Governor Lowndes retiring, Mr. Rutledge was, on February 5th, 1779, called to fill his place, with the concession to his council and himself of full power "to do everything that appeared to him and them necessary for the public good." This power he did not hesitate to exercise to its utmost limit. When, in the ensuing May, Prevost besieged Charleston, Rutledge and his council

took the extreme step of proposing to the enemy that Carolina should remain neutral during the war, and with peace should follow the fortunes of the victor. Ill-advised as this step was, the folly of the British leader prevented any bad consequences. He rejected it, and was presently compelled to raise the siege.

We would fain follow our author through the varied and troublous scenes that attended the path of Rutledge during the remainder of his constitutional term of office, but the scope of his duties was so wide and so various that the attempt would be vain. Nothing, nevertheless, could exceed the implicit confidence reposed in him by his fellow-citizens; and so soon as he had retired from the gubernatorial chair, he was elected to represent them in the national Congress. His services in the sessions of 1782 and 1783 were neither few nor slight. Much was looked for at his hands; much was performed. To his manful defence of their conduct in the negotiations for peace, Jay and his brother commissioners at Paris were not lightly indebted. No one denied to John Rutledge the keenest sense of personal honor, and when he declared that, so far from having acted underhandedly or dishonorably towards the French court, they had fulfilled their duties with such propriety, that, if recalled or censured by Congress, no man of spirit could consent to take their place, even the indignant voice of the respectable Mercer became dumb. That these were the sentiments of reason, not of personal partiality, was evinced by his subsequent treatment of Mr. Jay.

The ample fortune accumulated by Mr. Rutledge at the bar had, as may be supposed, been very thoroughly exhausted in the service of his country. When, in 1783, he returned to Charleston, and endeavored to draw together the scattered threads of his private affairs, he found his library destroyed by the enemy. To a lawyer, his books are what fields are to the farmer, tools to the carpenter. Deprive him of these, and he may well say with Shylock :

“ You take my house, when you do take the prop
That doth sustain my house ; you take my life,
When you do take the means whereby I live.”

Speedily called, however, to fill the post of Chancellor of the

State, he was, in 1787, one of the delegates sent to Philadelphia, to found the present Constitution. His views on this occasion were wise and discriminating, and they have almost universally been confirmed by the test of time. This duty accomplished, he rendered a noble service to his own State, in procuring its speedy adoption of the Federal Constitution. On the first election for President of the United States, it being apprehended that the possible dereliction of one or two electors might give Mr. Adams the priority to Washington, the vote of South Carolina was bestowed, not upon Adams, but on her own favorite son, Chancellor Rutledge. When Jay was named as Chief Justice, Rutledge was appointed eldest of the puisnes of the Supreme Bench; but ere he had either resigned his chancellorship or taken his seat on the federal bench, he was appointed to be Chief Justice of South Carolina. On this, he withdrew from both the other offices. Here his judicial conduct was able and dignified, unless we may except to the share he took in the public proceedings in regard to Jay's Treaty. It is now well known that Washington, during Mr. Jay's absence abroad, and anticipating his resignation of the post, tendered the Chief-Justiceship to Mr. Rutledge; the latter replied that he would accept it, and was notified that on the 1st of July, 1795, his commission would be made out. Notwithstanding this, and the knowledge he must have possessed that in his prospective seat it might easily become his task to maintain and to expound the provisions of this very treaty, we find Mr. Rutledge among its fiercest and most prejudiced assailants. It is not the part of a candid criticism to uphold such a course. We conceive it to have been irregular and improper; and it was justly calculated to offend, as well as seriously to embarrass, the administration. Nevertheless, his commission was duly handed him, and he took his seat and entered on its duties. It was some months before Congress was to meet, and his name to go before the Senate for confirmation. Ere that day came around, his fate was decided; his reason was hurled from her throne, and his mighty mind lay in ruins. His rejection by the Senate was the work, not of angry, but of sorrowing and sympathizing hands. A few years later, and his earthly career was closed.

In the present volume Mr. Flanders has presented us with the lives and times of two of our Chief Justices. We presume the next series will include those of Ellsworth, Cushing, and Marshall. The history of these three men cannot but give ample scope for the exercise of his abilities. If the labor be performed with a skill commensurate with that of which we have already had a sample, it will leave little to be desired. His first volume is indeed one of no ordinary interest, and of far more than ordinary trustworthiness. We do not observe in it, from beginning to end, a single misapplied fact or inaccurate date. His language is clear and forcible, his reasoning philosophical and sound. Many of the questions he discusses — particularly such as concern the local politics of the day, in New York and Carolina, and in the Congress of the nation — are new to the public and are well handled. A pleasing feature of his pages is the portraiture (as it may be called) of various leading personages of the time. The sketches of Arthur Lee, of Hamilton and Galloway, of Adams, and of Gadsden, for instance, are gems of their kind. One or two imperfections of expression and of verbal arrangement we had indeed noted down for animadversion; but with so much that is excellent, to dwell on them now would be but picking at straws. We take leave of Mr. Flanders in the confident expectation of hearing from him again with as much pleasure and as much profit as we have now received at his hands.

ART. IV. — *The Works of LAURENCE STERNE. Illustrated by STROTHEAD.* In four volumes. London.

DURING the past year an elaborate biographical sketch in the *Quarterly Review*, and the severe comments of the most popular living satirist, in his *Lectures on the English Humorists*, have brought Sterne's authorship and character again into discussion. The new incidents revealed in the former, and the indiscriminate harshness of the latter, attract us to the subject; for the effect of both is to excite anew compassion for the